

**REMARKS**

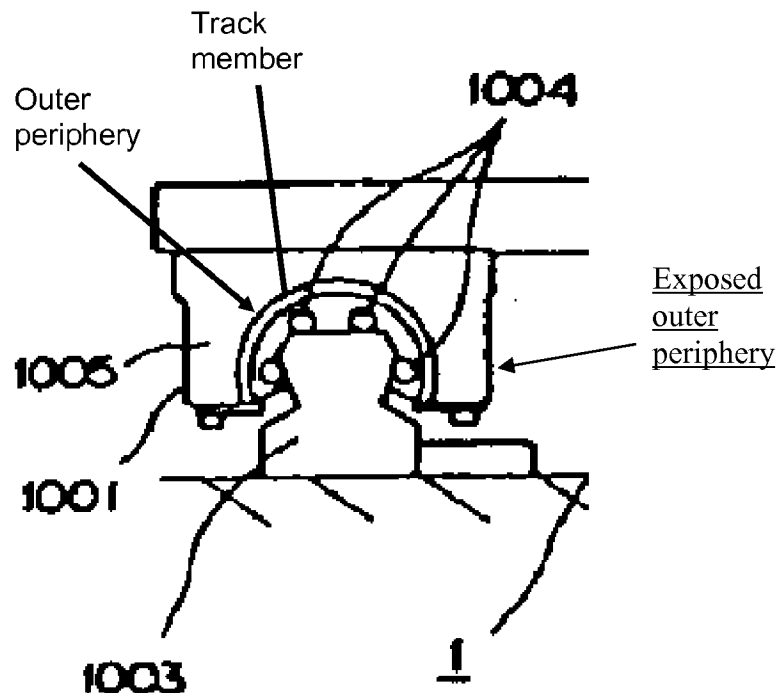
Claims 1-2 and 5-8 are pending in the present application. By this Amendment, claims 1, 6 and 8 have been amended. It is submitted that this Amendment is fully responsive to the Office Action dated November 13, 2009.

**Claim Rejections - 35 U.S.C. §103**

**Claims 1, 2 and 6-8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Takeki (JP 04-164540).**

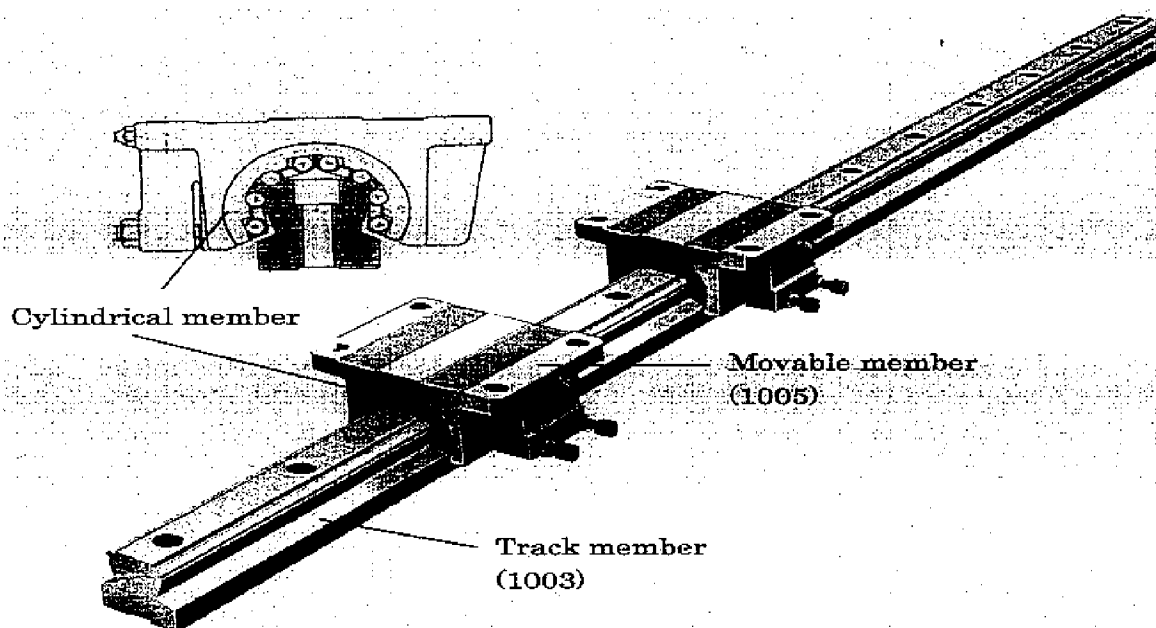
This rejection is respectfully traversed. Claim 1, as amended, now calls for the feature of “*wherein an exposed outer periphery of the track member has a substantially circular-arc shape in the section.*” Also, independent claims 6 and 8 have been amended to include similar feature. This Amendment is supported by, for example, Fig. 2 and the specification (page 10, lines 1-6).

On page 7 of the Action, the Examiner appears to allege that the ring like member has an outer periphery which forms substantially circular-arc shape in the section as shown below.



However, the amended claims recite “*wherein an exposed outer periphery of the track member has a substantially circular-arc shape in the section.*” It is submitted that the Examiner mischaracterizes Fig. 23 of Takeki. As shown in the following “figure for reference,” the element 1005 of Takeki is a “Movable member” and the element 1003 is a “Track member.” The cylindrical member (the ring like member) is a part of the Movable member 1005. The exposed outer periphery of the Movable member 1005 has a rectangular shape in the section. Therefore, as shown in the figure for reference, Takeki does not teach or suggest the feature “*wherein an exposed outer periphery of the track member has a substantially circular-arc shape in the section,*” as called for in amended claim 1 and similarly in amended claims 6 and 8.

The perspective figure of a liner guide device mentioned in FIG. 23 of Takeki



### Teach away

A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant.” *In re Gurley*, 27 F.3d 551, 553 (Fed. Cir. 1994); see *KSR*, 127 S. Ct. at 1739–40 (explaining that when the prior art teaches away from a combination, that combination is more likely to be nonobvious). Additionally, a reference may teach away from a use when that use would render the result inoperable. *In re Icon Health and Fitness, inc.*, No. 2006-1573 (Fed. Cir. 2007). Moreover, if proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Furthermore, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

In the alleged Fig. 23 of Takeki, the member 1005 is attached to a flat table 1002 to support the table 1002. Accordingly, if the Examiner modifies the shape of the member 1005 such that the member 1005 has an exposed outer periphery which forms a substantially circular-arc shape in the section, the modified member 1005 could not adequately support the flat table 1002. Such modification would render Takeki unsatisfactory for its intended purpose. Accordingly, Takeki teaches away from such modification.

In view of the above, it is believed that claims 1, 6, 8 and their dependent claims patentably distinguish over Takeki.

**Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Takeki (JP 04-164540) as applied to claim 1 above, and further in view of JP 61-29163 (JP '163).**

This rejection is respectfully traversed. It is submitted that claim 5 is dependent from claim 1 and recites the additional features set forth therein. Accordingly claim 5 also distinguishes over Takeki and JP '163 for at least the reasons set forth above.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

Application No. 10/584,191  
Art Unit: 3656

Amendment under 37 C.F.R. §1.116  
Attorney Docket No. 062714

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,  
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